

### **Remarks**

This communication is considered fully responsive to the Advisory Action and Notice of Non-compliant amendment and the Office Action referenced above.

### **Advisory Action and Notice of Non-compliant Amendment**

The Advisory Action mailed January 6, 2009 stated that the Amendments filed July 15, 2008 to claims 11, 25, and 26 changed the claim scope and therefore were not considered. The Advisory Action also stated that the Amendments overcame the Section 101 and 112 rejections and the claim objection.

The Notice of Non-compliant Amendment mailed January 6, 2009 requested that the Applicant file another After-Final Amendment presenting amendments only to claims that overcome the Section 101 and 112 rejections and claim objections. That amendment is presented herein, along with a minor typographical correction to claim 11. The Notice of Non-compliant Amendment also requested that the Applicant file a New Appeal Brief consistent with these amendments. A New Appeal Brief is being filed herewith.

The below-listed attorney left voicemail messages for both the Examiner and the Primary Examiner requesting clarification of what specifically needed to be filed in order to properly respond to the Advisory Action and Notice of Non-compliant Amendment. Those phone calls were not returned prior to the filing of this Response and the New Appeal Brief, however, Applicant believes that the present filing puts the case in condition to be considered on Appeal. Applicant respectfully requests that the Examiner

and/or the Primary Examiner telephone the below-listed attorney if anything further is needed in order for this case to be considered on Appeal.

Respectfully Submitted,

/Mark D. Trenner/

Dated: February 6, 2009

By: \_\_\_\_\_

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